

In the Matter of:

Maryland Department of the Environment

July 2, 2018
Public Hearing

Condensed Transcript with Word Index



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<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 MARYLAND DEPARTMENT OF THE ENVIRONMENT</p> <p>6 STATEMENT OF THE AIR AND RADIATION ADMINISTRATION</p> <p>7 PUBLIC HEARING CONCERNING</p> <p>8 THE STATE OF MARYLAND 0.075 PPM 8-HOUR OZONE NITROGEN OXIDE</p> <p>9 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)</p> <p>10 STATE IMPLEMENTATION PLAN</p> <p>11</p> <p>12 July 2, 2018 -- 10:00 AM</p> <p>13</p> <p>14 Maryland Department of the Environment</p> <p>15 Montgomery Park Building</p> <p>16 1800 Washington Boulevard</p> <p>17 Baltimore, Maryland 21230</p> <p>18</p> <p>19 HEARING OFFICER: Alexandra Brun</p> <p>20</p> <p>21</p> <p>22</p>	<p>3</p> <p>1 P R O C E E D I N G S</p> <p>2 - - - - -</p> <p>3 (Meeting commenced at 10:07 a.m.)</p> <p>4 MS. BRUN: Good morning. On behalf of the</p> <p>5 Department of the Environment, Air and Radiation</p> <p>6 Administration, I would like to welcome you to this public</p> <p>7 hearing.</p> <p>8 My name is Alexandra Brun and I'm a National</p> <p>9 Resources Planner in the Air and Radiation Administration.</p> <p>10 I will serve as hearing officer for today's hearing. I</p> <p>11 would like to ask all of you in attendance today to please</p> <p>12 sign in if you haven't already done so. This will help us</p> <p>13 to keep an accurate record of the people who participate in</p> <p>14 the hearing. Also, copies of the proposed State</p> <p>15 Implementation Plan, as well as the Department's statement</p> <p>16 are available on the table for your information.</p> <p>17 This hearing concerns the State of Maryland 0.075</p> <p>18 ppm 8-Hour Ozone Nitrogen Oxide Reasonably Available Control</p> <p>19 Technology State Implementation Plan. The purpose of this</p> <p>20 hearing is to give you the opportunity to comment on this</p> <p>21 State Implementation Plan, which consists of Maryland's SIP</p> <p>22 provision developed for the purpose of meeting the RACT</p>
<p>2</p> <p>1 Attendees:</p> <p>2 Alexandra Brun, MDE</p> <p>3 Jess Herpel, MDE</p> <p>4 Accacia Grant, Chesapeake Climate Action</p> <p>5 Taylor Smith-Hams, Chesapeake Climate Action Network</p> <p>6 Greg Sawtel, United Workers Greater Baybrook</p> <p>7 Community Land Trust</p> <p>8 Leah Kelly, Environmental Integrity Project</p> <p>9 Destiny Watford, United Workers Greater Baybrook</p> <p>10 Community Land Trust</p> <p>11 Brittany Wright, Chesapeake Bay Foundation</p> <p>12 Abigail Trumphy, Chesapeake Bay Foundation</p> <p>13 Jennifer Kunze, Clear Water Action</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>4</p> <p>1 requirement set forth by the Clean Air Act, as the</p> <p>2 requirements apply to the 0.075 ppm 8-hour ozone national</p> <p>3 ambient air quality standard.</p> <p>4 This document is a revised and updated version of</p> <p>5 the RACT SIP that Maryland submitted in 2011 in response to</p> <p>6 the 1997 0.080 ppm 8-hour ozone standard.</p> <p>7 Notice of this public hearing has appeared as</p> <p>8 follows: On the Maryland Department of the Environment's</p> <p>9 website, Air Quality Planning Program page on May 23rd,</p> <p>10 2018, and remained on the website through today's hearing.</p> <p>11 In the Maryland Register, Volume 45, Issue 12, Friday, June</p> <p>12 8th, 2018.</p> <p>13 The hearing will proceed in the following order:</p> <p>14 First, I will introduce Ms. Jess Herpel, the representative</p> <p>15 of the Air and Radiation Administration, who will make a</p> <p>16 statement. After Ms. Herpel is finished, I will call on any</p> <p>17 elected official or government official who wants to make a</p> <p>18 statement. Then I will call upon anyone else who indicated</p> <p>19 on the sign-in sheet that he or she would like to make a</p> <p>20 statement.</p> <p>21 When giving your statement, please identify</p> <p>22 yourself, spell your name for the record, give your</p>

<p style="text-align: right;">5</p> <p>1 affiliation, and deliver your statement loudly and clearly.</p> <p>2 A summary of all comments received will be</p> <p>3 answered in writing and published with the final SIP</p> <p>4 document. I will now call on Ms. Herpel.</p> <p>5 MS. HERPEL: Good morning. My name is Jess</p> <p>6 Herpel. I am a Natural Resources Planner in the Planning</p> <p>7 and Policy Division, Air Quality Planning Program of the Air</p> <p>8 and Radiation Administration, Maryland Department of the</p> <p>9 Environment.</p> <p>10 This public hearing is related to the air quality</p> <p>11 plan entitled the State of Maryland 0.075 ppm 8-Hour Ozone</p> <p>12 Nitrogen Oxide Reasonably Available Control Technology State</p> <p>13 Implementation Plan.</p> <p>14 This public hearing is being held pursuant to</p> <p>15 federal law found at 42 U.S.C., Section 7410(a), and 40 CFR</p> <p>16 Parts 51.102 and 251. It is also being held in conformance</p> <p>17 with the State Administrative Procedure Act, under the State</p> <p>18 Government Article, beginning at Section 10-101.</p> <p>19 Notice of this public hearing appeared in the</p> <p>20 Maryland Register, Volume 45, Issue 21, date</p> <p>21 June 8, 2018. The notice was also posted on the Maryland</p> <p>22 Department of the Environment's website on May 23, 2018, and</p>	<p style="text-align: right;">7</p> <p>1 particulate matter. The Environmental Protection Agency</p> <p>2 establishes rules and regulations to implement the Clean Air</p> <p>3 Act.</p> <p>4 This plan consists of Maryland's State</p> <p>5 Implementation Plan Revision developed for the purpose of</p> <p>6 meeting the RACT requirements set forth by the Clean Air</p> <p>7 Act, as the requirements apply to the 0.075 ppm 8-hour ozone</p> <p>8 national ambient air quality standards.</p> <p>9 This document is a revised and updated version of</p> <p>10 the RACT SIP that Maryland submitted in 2011, in response to</p> <p>11 the 1997 0.080 ppm 8-hour ozone standard.</p> <p>12 The Department will consider all pertinent</p> <p>13 comments, and revise the proposed plan if necessary,</p> <p>14 before making a final decision to adopt the plan and submit</p> <p>15 it to the U.S. Environmental Protection Agency for approval</p> <p>16 as a Maryland State Implementation Plan. Oral and written</p> <p>17 comments may be presented at this hearing. The 30-day</p> <p>18 public comment period that began on May 23, 2018, for</p> <p>19 receipt of all comments to the plan will close at 5:00 p.m.</p> <p>20 on July 2nd, 2018.</p> <p>21 MS. BRUN: Would anyone like to comment on this</p> <p>22 SIP document? Do you want to just go around this way, or in</p>
<p style="text-align: right;">6</p> <p>1 remained on the website through the date of today's hearing.</p> <p>2 Copies of each of the public hearing notice and</p> <p>3 the proposed the State of Maryland 0.075 ppm 8-Hour Ozone</p> <p>4 Nitrogen Oxide Reasonably Available Control Technology State</p> <p>5 Implementation Plan will be part of the formal hearing</p> <p>6 record.</p> <p>7 Access to the proposed document was made available</p> <p>8 via the website of the Maryland Department of the</p> <p>9 Environment. Hard copies were also available at the</p> <p>10 Maryland Department of the Environment.</p> <p>11 The purpose of this hearing is to provide the</p> <p>12 public with an opportunity to formally comment on the</p> <p>13 proposed document.</p> <p>14 The Clean Air Act was passed in 1970 to protect</p> <p>15 public health and welfare. Congress amended the Act in 1990</p> <p>16 to establish requirements for areas not meeting the national</p> <p>17 ambient air quality standards. The Clean Air Act amendments</p> <p>18 established a process for evaluating air quality in each</p> <p>19 region and identifying nonattainment areas according to the</p> <p>20 severity of its air pollution problem. The Clean Air Act</p> <p>21 sets health standards for six ambient pollutants: carbon</p> <p>22 monoxide, sulfur dioxide, nitrogen oxides, ozone, lead and</p>	<p style="text-align: right;">8</p> <p>1 order, or does anyone --</p> <p>2 MS. KELLY: Oh, can I go first?</p> <p>3 MS. BRUN: Sure.</p> <p>4 MS. KELLY: Can you -- can you hear -- can I speak</p> <p>5 from here or should I get closer to a mic?</p> <p>6 COURT REPORTER: If you could get closer to the</p> <p>7 mic that would help a lot. Thank you.</p> <p>8 MS. KELLY: Good morning. My name is Leah Kelly</p> <p>9 and I'm a senior attorney with the Environmental Integrity</p> <p>10 Project. EIP is a nonpartisan, nonprofit organization that</p> <p>11 works to ensure effective enforcement of environmental laws</p> <p>12 in the U.S., and we have a program that is focused on</p> <p>13 environmental justice in Baltimore City. Specifically, we</p> <p>14 seek to reduce pollution that affects residents of Baltimore</p> <p>15 and to assist partner groups working to improve</p> <p>16 environmental health in the City.</p> <p>17 I will be submitting written comments via e-mail</p> <p>18 later today on behalf of EIP and several additional groups</p> <p>19 setting forth our concerns with MDE's proposal to certify</p> <p>20 Reasonably Available Control Technology, RACT, for the 2008</p> <p>21 ozone standard.</p> <p>22 I am delivering these comments this morning on</p>

<p style="text-align: right;">9</p> <p>1 behalf of EIP. We have been participating for approximately</p> <p>2 two years in the public stakeholder process as MDE develops</p> <p>3 regulations setting new nitrogen oxides, or NOx, RACT limits</p> <p>4 for Maryland's two large municipal waste combustors, which</p> <p>5 are referred to as incinerators in these comments. We are</p> <p>6 extremely concerned by MDE's proposal to certify a NOx limit</p> <p>7 of 205 parts per million dry volume at seven percent oxygen,</p> <p>8 or ppm, on a 24-hour average as RACT for incinerators in</p> <p>9 Maryland.</p> <p>10 For the reasons that I am about to discuss and</p> <p>11 those set forth in the written comments that we will submit</p> <p>12 later today, we believe that MDE's proposal to certify this</p> <p>13 limit as RACT is arbitrary and capricious and contrary to</p> <p>14 the Federal Clean Air Act and Maryland's implementing</p> <p>15 regulations.</p> <p>16 During MDE's public stakeholder process, the</p> <p>17 agency has acknowledged repeatedly that 205 ppm is no longer</p> <p>18 RACT for these facilities. With respect to the Wheelabrator</p> <p>19 Baltimore incinerator, the States of Connecticut and New</p> <p>20 Jersey have both set NOx RACT limits of 150 parts per</p> <p>21 million on a 24-hour basis for their incinerators, including</p> <p>22 facilities that use mass burn waterwall combustors like the</p>	<p style="text-align: right;">11</p> <p>1 cut its annual NOx emissions, measured in tons per year, in</p> <p>2 half.</p> <p>3 While MDE has stated that there is still short-</p> <p>4 term variability in the NOx emissions from this plant, MDE</p> <p>5 has concluded in a draft regulation that has not yet been</p> <p>6 proposed in the Maryland Register that RACT for this plant</p> <p>7 is 105 parts per million on a 30-day basis and 140 parts per</p> <p>8 million on 24-hour basis.</p> <p>9 In addition, the Virginia Department of</p> <p>10 Environmental Quality has concluded that NOx RACT for a very</p> <p>11 similar incinerator, the Covanta Fairfax plant in Lorton,</p> <p>12 Virginia, is 110 parts per million on a daily average and 90</p> <p>13 parts per million on an annual average. Thus, it is crystal</p> <p>14 clear that 205 parts per million on a 24-hour basis cannot</p> <p>15 be considered NOx RACT for the Montgomery County</p> <p>16 incinerator.</p> <p>17 In addition, it appears that MDE may not have</p> <p>18 complied with EPA's procedural requirements for public</p> <p>19 participation in the development of its RACT certification</p> <p>20 for the 2008 ozone standard. Under EPA's regulations at 40</p> <p>21 C.F.R. Section 51.102, states are required to give the</p> <p>22 public at least 30 days' notice of a hearing on such a</p>
<p style="text-align: right;">10</p> <p>1 Wheelabrator Baltimore plant.</p> <p>2 Massachusetts and New York have also proposed a</p> <p>3 150 parts per million 24-hour limit or stated that they are</p> <p>4 considering that limit for their incinerators. In addition,</p> <p>5 at least two Wheelabrator incinerators located in other</p> <p>6 states that are extremely similar to the Baltimore facility</p> <p>7 are already subject to a 150 part per million 24-hour limit,</p> <p>8 as discussed in the comments that we will submit later</p> <p>9 today.</p> <p>10 Finally, information developed as part of the</p> <p>11 public stakeholder process has clearly shown that the</p> <p>12 Wheelabrator Baltimore plant can meet a limit of 150 parts</p> <p>13 per million, and even lower than this, on a 24-hour basis</p> <p>14 simply by optimizing its existing control technology. This</p> <p>15 information includes control optimization tests run at the</p> <p>16 Wheelabrator Baltimore plant. Thus, it is crystal clear</p> <p>17 that a 24-hour limit of 205 parts per million cannot be</p> <p>18 considered RACT for the Wheelabrator Baltimore incinerator.</p> <p>19 It is also very troubling that MDE is proposing to</p> <p>20 certify a 24-hour limit of 205 parts per million for the</p> <p>21 Montgomery County Resource Recovery Facility. This</p> <p>22 incinerator installed a new NOx control system in 2009 that</p>	<p style="text-align: right;">12</p> <p>1 proposal. MDE published notice of today's hearing in the</p> <p>2 June 8th, 2018, Maryland Register, which gave the public 24</p> <p>3 days' notice of the hearing. We just learned today that</p> <p>4 notice was published on MDE's website on May 23rd, 2018.</p> <p>5 And we will do our best to address in our written comments</p> <p>6 whether this is sufficient to meet EPA's requirements.</p> <p>7 Thank you for the opportunity to speak today.</p> <p>8 MS. BRUN: Thank you, Ms. Kelly. Would anyone</p> <p>9 else like to comment on the SIP document?</p> <p>10 MS. SMITH-HAMS: Good morning. My name is Taylor</p> <p>11 Smith-Hams and I'm the Healthy Communities Campaign</p> <p>12 Organizer for the Chesapeake Climate Action Network. We are</p> <p>13 a regional nonprofit focused on fighting climate change and</p> <p>14 promoting clean energy alternatives in Maryland, DC, and</p> <p>15 Virginia.</p> <p>16 We agree with our colleagues at the Environmental</p> <p>17 Integrity Project and are opposed to MDE's proposal to</p> <p>18 certify a nitrogen oxides or NOx limit of 205 parts per</p> <p>19 million as Reasonably Available Control Technology, or RACT,</p> <p>20 for Maryland's two large municipal solid waste combustors,</p> <p>21 including the BRESKO incinerator in Baltimore.</p> <p>22 We have engaged in MDE's multi-year stakeholder</p>

<p style="text-align: right;">13</p> <p>1 process concerning the NOx limits for Maryland's two large 2 incinerators. Much of my organization's work takes place in 3 Baltimore, home of the BRESKO incinerator. In fact, BRESKO 4 is the largest stationary source of air pollution in all of 5 Baltimore, which has a lot of sources of pollution. 6 We have turned out to these stakeholder meetings 7 in good faith to emphasize the importance of limiting 8 pollution from BRESKO in order to protect public health and 9 the climate from harmful emissions. Reducing local air 10 pollution, and NOx in particular, is critical for public 11 health in Baltimore. Air pollution from old and dirty 12 energy sources such as incinerators is costing Marylanders 13 their education through missed school. In fact, asthma is a 14 leading cause of absenteeism in Baltimore schools. Air 15 pollution also causes Marylanders to miss work and increases 16 health care expenses, causing economic hardship. 17 Through this stakeholder process, MDE has 18 concluded that 205 is no longer RACT for either of the 19 state's trash-burning incinerators. Control tests and 20 studies throughout the stakeholder process have revealed 21 that BRESKO can attain a 135 parts per million NOx limit 22 just by optimizing existing control technology. MDE is</p>	<p style="text-align: right;">15</p> <p>1 Watford. I grew up in Curtis Bay, a small community in 2 South Baltimore. And I, along with residents in Baltimore 3 are working on a path towards zero waste in our city. Every 4 day residents are piloting with new ideas for what is zero 5 waste, what alternatives for incineration looks like in our 6 communities, in our communities that have significant levels 7 of pollution that we're already dealing with. 8 And I say that to say that there is a process 9 that's already happening in Baltimore City that hundreds of 10 residents have participated in and are critical in helping 11 to shape. And the process in question sets significantly 12 stricter limits of NOx than the one that's before us right 13 now. 14 City Council is supportive and pushing the 15 stricter NOx limits forward. And that the proposed one 16 before us only holds us back from what we can do as a city, 17 as residents, and what we need in Baltimore. So, I'm 18 strongly opposed to the proposed NOx limits. 19 MS. BRUN: Thank you, Ms. Watford. Would anyone 20 else like to comment on the SIP document? 21 MR. SAWTEL: Yes. Good morning everyone. My name 22 is Gregory Sawtel. I am also a Curtis Bay resident and work</p>
<p style="text-align: right;">14</p> <p>1 aware of these studies and has informally issued a draft 2 rule setting lower NOx RACT limits for both incinerators. 3 So, it is concerning that the Department appears 4 to be ignoring the results of its own stakeholder process 5 and draft rule by proposing to certify a 205 parts per 6 million NOx limit as RACT for these facilities. Not only is 7 MDE ignoring the results of its own stakeholder process, it 8 also appears to be dismissing the concerns of the Baltimore 9 residents and officials who are suffering the effects of 10 this polluting facility. The Baltimore City Council has 11 passed a resolution calling for a 45 parts per million limit 12 for the BRESKO incinerator. 13 MDE is being disrespectful to the city's elected 14 officials and residents in proposing that 205 is RACT when 15 it knows that 205 parts per million is not RACT and when 16 city leaders are formally calling for much stricter limits. 17 We urge you not to finalize this proposal and to 18 adhere to your previous commitments to set the lowest 19 possible NOx limit for these facilities. Thank you. 20 MS. BRUN: Thank you. Would anyone else like to 21 comment on the SIP? 22 MS. WATFORD: Yes. Hi, my name is Destiny</p>	<p style="text-align: right;">16</p> <p>1 with Destiny and folks throughout Baltimore and particularly 2 South Baltimore on a daily basis to confront issues such as 3 disparate health outcomes resulting from facilities such as 4 the BRESKO incinerator. 5 I wanted to speak again about a process, and about 6 what brings me here today is that, as others noted, we've 7 been engaged in a labor intensive process that was -- that 8 was -- brought me to the table in good faith to bring forth 9 my experience, my insight, and, you know, honestly, time to 10 collaborate. I'm really and truly deep into this issue, 11 some going for a number of years, as others have said, and 12 I'm honestly at a loss for words about this moment we're at 13 today. 14 Where, honestly, I think, really the microphone 15 should be in another place, and it should be getting answers 16 as to what in the world is going on, when we've engaged in a 17 good faith effort for two years with officials at the city 18 level, at the state level. Okay? And we have momentum 19 driving towards a path forward that, you know, even folks 20 working at the impacted facilities were participating in. 21 And now with a narrow window of time published on 22 a website that, no offense to the MDE website, but is not</p>

<p style="text-align: right;">17</p> <p>1 heavily trafficked. And in the context of an unfolding</p> <p>2 process, not to go above and beyond, and to reach out to</p> <p>3 folks who -- who were sitting in the room adjacent to this,</p> <p>4 you know, over multiple sessions, city council people who</p> <p>5 had gone through the process of putting forth resolutions on</p> <p>6 this very issue, would not be extended a heads up.</p> <p>7 A notice of, hey, we're considering going in</p> <p>8 another direction. Not another direction, but a completely</p> <p>9 unfathomable direction in the context of where we were</p> <p>10 headed, to me deserves -- and I hope that that's going to</p> <p>11 happen today, because if there is going to be a bit more</p> <p>12 than what was presented with the preface remarks, you know,</p> <p>13 stating what I felt was -- was zero context for how -- why</p> <p>14 we're here right now.</p> <p>15 This is beyond disorientating. It's infuriating.</p> <p>16 It's unacceptable. It won't stand if this -- if this</p> <p>17 proposal moves forward. It can't. Too much is at stake.</p> <p>18 We've put too much into this. And, instead, it's about the</p> <p>19 process. It's about belief in the MDE as a place to solve</p> <p>20 problems. Not to rely on decades old -- old numbers that</p> <p>21 aren't even considered RACT nationwide. You identified one</p> <p>22 place where this would hold up as RACT. And if you're</p>	<p style="text-align: right;">19</p> <p>1 Baltimore City alone. And we are here to stand with our</p> <p>2 colleagues who have already spoken in opposition to</p> <p>3 finalizing a NOx RACT limit of 205 parts per million.</p> <p>4 In addition, I live one mile away from the BRESCO</p> <p>5 trash incinerator myself in Southwest Baltimore. And I grew</p> <p>6 up in Frederick, not far from the Dickerson incinerator, in</p> <p>7 a community that is also impacted by trash incinerator air</p> <p>8 pollution. I'm deeply concerned that this RACT limit is not</p> <p>9 protective of public health and welfare, and does not</p> <p>10 reflect the public stakeholder process that has been going</p> <p>11 on for the past two years, let alone the science of what</p> <p>12 could be done to limit air pollution from these incinerators</p> <p>13 and the law of what must be certified as RACT.</p> <p>14 Like our colleagues have spoken about, we've been</p> <p>15 participating in the stakeholder processes for two years and</p> <p>16 we know that MDE has heard from ourselves, from our</p> <p>17 colleagues, and from community members all across the State</p> <p>18 of Maryland that a NOx RACT limit of 205 parts per million</p> <p>19 is not acceptable, and we need to strive for and maintain a</p> <p>20 much lower limit on nitrogen oxide air pollution from the</p> <p>21 BRESCO and Dickerson trash incinerators.</p> <p>22 It's imperative the regulations certified in this</p>
<p style="text-align: right;">18</p> <p>1 proposing that we're going to be the place that lifts this</p> <p>2 up as RACT, I think only my comments here, but I don't think</p> <p>3 that's going to fly.</p> <p>4 It certainly won't fly for residents in South</p> <p>5 Baltimore for folks that have stood up on this issue in the</p> <p>6 past, continue to do so, are dedicated and aren't going to</p> <p>7 let this go. So, we need to get that out there. That's</p> <p>8 where we are. People are organized. People have a new</p> <p>9 vision for what health and sustainability looks like and</p> <p>10 this is a very, very bad path to go down if we are to honor</p> <p>11 a commitment to a process with the residents and officials</p> <p>12 that are dedicated to improving the health and</p> <p>13 sustainability of our neighborhoods, improving the climate</p> <p>14 for environmentally responsible business, not setting us</p> <p>15 back into some, honestly, unexplored and untested realm.</p> <p>16 MS. BRUN: Thank you, Mr. Sawtel. Would anyone</p> <p>17 else like to comment on the SIP document?</p> <p>18 MS. KUNZE: Good morning. Thank you for</p> <p>19 opportunity to comment today. My name is Jennifer Kunze.</p> <p>20 J E N N I F E R, K U N Z E. And I am the Maryland Program</p> <p>21 Organizer for Clean Water Action. We are a national</p> <p>22 environmental advocacy group with over 8,000 members in</p>	<p style="text-align: right;">20</p> <p>1 process reflect the reality of science and law, and we trust</p> <p>2 that MDE will move forward with the process of instituting</p> <p>3 much lower nitrogen oxide limits than 205 parts per million,</p> <p>4 as we have been urging for two years, rather than moving</p> <p>5 forward with this arbitrary and capricious continuance of</p> <p>6 the unacceptable status quo. Thank you.</p> <p>7 MS. BRUN: Thank you, Ms. Kunze. Are there any</p> <p>8 other comments?</p> <p>9 MS. WRIGHT: Can you hear me from here?</p> <p>10 COURT REPORTER: If you could speak up just a</p> <p>11 little bit.</p> <p>12 MS. WRIGHT: Great. Good morning, my name is</p> <p>13 Brittany Wright and I am here on behalf of the Chesapeake</p> <p>14 Bay Foundation.</p> <p>15 The Bay Foundation respectfully request Maryland</p> <p>16 to reconsider its proposed State Implementation Plan</p> <p>17 certifying 205 parts per million as NOx RACT for the</p> <p>18 municipal waste combustors.</p> <p>19 Two hundred five per million cannot be considered</p> <p>20 RACT and based on CBF's previous comment letters and expert</p> <p>21 analysis, MDE knows 205 parts per million is not the lowest</p> <p>22 emission limit that either municipal waste combustor in</p>

<p style="text-align: right;">21</p> <p>1 Maryland is capable of meeting by the application of control 2 technology that is reasonably available considering 3 technological and economic feasibility. 4 The Chesapeake Bay Foundation is dedicated to the 5 implementation and success of the Chesapeake Bay Clean Water 6 Blueprint, which seeks to reduce nitrogen, phosphorus, and 7 sediment pollution within the Bay watershed. The Blueprint 8 consists of the 2010 Chesapeake Bay Total Maximum Daily 9 Load, or TMDL, issued by EPA, and the state-developed 10 Watershed Implementation Plans that detail how the TMDL 11 pollution reductions will be achieved. 12 At the time the Bay TMDL was established, EPA 13 found that air pollution sources contribute about one third 14 of the total nitrogen pollution into the Chesapeake Bay 15 watershed through atmospheric deposition. The Bay 16 Foundation represents more than 240,000 members, many of 17 whom live in areas impacted by NOx pollution. CBF has 18 significant concerns regarding the high NOx emissions from 19 both municipal waste combustors in Maryland. CBF has 20 expressed to MDE numerous times, with the help of our expert 21 consultants, that both facilities are capable of achieving a 22 NOx RACT that is substantially lower than EPA's set proposed</p>	<p style="text-align: right;">23</p> <p>1 parts per million limits proposed using its existing control 2 technology, solely through further optimization of those 3 controls. 4 With this information and the information MDE 5 already has, it is fair to say that 205 parts per million is 6 an unacceptable NOx RACT standard and we should be requiring 7 more from both of these facilities. 8 For approximately two years, MDE has been holding 9 a public stakeholder process as it develops regulations 10 establishing new NOx RACT limits for Maryland's two 11 municipal waste combustors. CBF understands that MDE still 12 intends to promulgate a regulation setting lower NOx limits 13 for both of the municipal combustors despite this proposal 14 to certify existing 205 ppm limit to EPA as RACT. However, 15 this does not change the fact that 205 parts per million is 16 not RACT for municipal waste combustors. 17 If MDE were to certify a 205 parts per million NOx 18 limit as RACT to EPA and then fail to promulgate new NOx 19 limits for the large municipal waste combustors, it would be 20 enormously dismissive of the repeated concerns expressed by 21 CBF, the Baltimore City residents, elected officials, and 22 other groups here present today.</p>
<p style="text-align: right;">22</p> <p>1 limit of 205 parts per million. 2 As has been discussed in more detail through 3 previous comment letters, and our subsequent comment letter, 4 MDE has conclusively stated that both municipal waste 5 combustors in Maryland are capable of meeting more stringent 6 RACT requirements for NOx. MDE is aware that multiple 7 states, some with municipal waste combustors very similar to 8 both facilities in Maryland, have set significantly lower 9 NOx RACT limits for the 2008 ozone standard. In addition, 10 there is ample facility specific evidence in previous 11 comment letters to MDE showing that RACT for each facility 12 is far below 205 parts per million and that the 205 parts 13 per million NOx limit cannot be considered RACT for these 14 plants. 15 In addition, CBF has expressed a number of 16 concerns regarding the health and environmental effects of 17 NOx emissions from the Wheelabrator facility in Baltimore, 18 Maryland. Based off of our recent comment letter submitted 19 to MDE, Dr. Sahu, our consultant on environmental and energy 20 issues, concluded that based on his review of 2017 one-hour 21 CEMS data and the 2017 Fuel Tech Report, Wheelabrator can 22 meet NOx limits lower than the 150 parts per million and 145</p>	<p style="text-align: right;">24</p> <p>1 For these reasons, finalizing a 205 parts per 2 million for both municipal waste combustors is contrary to 3 the law set forth in the Federal Clean Air Act and 4 Maryland's implementing regulations. For more detailed 5 information and technical analysis of how CBF came to this 6 position, please refer to our prior comment letters dated 7 May 9, 2017, our joint comment letter with Environmental 8 Integrity Project submitted May 11, 2018, and our most 9 recent detailed letter regarding the proposed SIP NOx RACT 10 submittal of 205 parts per million. Thank you. 11 MS. BRUN: Thank you. Are there any other 12 comments? 13 Let the record reflect that the statements have 14 been taken from all who wish to make one. This will 15 conclude this public hearing for the State of Maryland 0.075 16 ppm 8-Hour Reasonably Available Control Technology State 17 Implementation Plan. 18 Let the record reflect that it is now 10:36 on 19 July 2nd, 2018. 20 (Whereupon, the hearing was 21 concluded at 10:36 a.m.) 22</p>

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1 CERTIFICATE OF COURT REPORTER

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3 I, Carol Vasques, do hereby certify that the
4 foregoing transcription was reduced to typewriting via
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6 for nor, related to, nor employed by any of the parties to
7 the action in which these proceedings were transcribed; that
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14 s/Carol Vasques

15 CAROL VASQUES, COURT REPORTER
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<p>A</p> <p>a.m 3:3 24:21</p> <p>Abigail 2:12</p> <p>absenteeism 13:14</p> <p>Accacia 2:4</p> <p>acceptable 19:19</p> <p>Access 6:7</p> <p>accurate 3:13</p> <p>achieved 21:11</p> <p>achieving 21:21</p> <p>acknowledged 9:17</p> <p>Act 4:1 5:17 6:14,15 6:17,20 7:3,7 9:14 24:3</p> <p>action 2:4,5,13 12:12 18:21 25:7 25:10</p> <p>addition 10:4 11:9 11:17 19:4 22:9,15</p> <p>additional 8:18</p> <p>address 12:5</p> <p>adhere 14:18</p> <p>adjacent 17:3</p> <p>Administration 1:6 3:6,9 4:15 5:8</p> <p>Administrative 5:17</p> <p>adopt 7:14</p> <p>advocacy 18:22</p> <p>affiliation 5:1</p> <p>agency 7:1,15 9:17</p> <p>agree 12:16</p> <p>air 1:6 3:5,9 4:1,3,9 4:15 5:7,7,10 6:14 6:17,17,18,20,20 7:2,6,8 9:14 13:4,9 13:11,14 19:7,12 19:20 21:13 24:3</p> <p>Alexandra 1:19 2:2 3:8</p> <p>alternatives 12:14 15:5</p> <p>ambient 4:3 6:17,21 7:8</p> <p>amended 6:15</p> <p>amendments 6:17</p> <p>ample 22:10</p>	<p>analysis 20:21 24:5</p> <p>annual 11:1,13</p> <p>answered 5:3</p> <p>answers 16:15</p> <p>appeared 4:7 5:19</p> <p>appears 11:17 14:3 14:8</p> <p>application 21:1</p> <p>apply 4:2 7:7</p> <p>approval 7:15</p> <p>approximately 9:1 23:8</p> <p>arbitrary 9:13 20:5</p> <p>areas 6:16,19 21:17</p> <p>Article 5:18</p> <p>assist 8:15</p> <p>asthma 13:13</p> <p>atmospheric 21:15</p> <p>attain 13:21</p> <p>attendance 3:11</p> <p>Attendees 2:1</p> <p>attorney 8:9 25:8</p> <p>available 1:9 3:16 3:18 5:12 6:4,7,9 8:20 12:19 21:2 24:16</p> <p>average 9:8 11:12 11:13</p> <p>aware 14:1 22:6</p> <p>B</p> <p>back 15:16 18:15</p> <p>bad 18:10</p> <p>Baltimore 1:17 8:13 8:14 9:19 10:1,6 10:12,16,18 12:21 13:3,5,11,14 14:8 14:10 15:2,2,9,17 16:1,2 18:5 19:1,5 22:17 23:21</p> <p>based 20:20 22:18 22:20</p> <p>basis 9:21 10:13 11:7,8,14 16:2</p> <p>Bay 2:11,12 15:1,22 20:14,15 21:4,5,7 21:8,12,14,15</p>	<p>Baybrook 2:6,9</p> <p>began 7:18</p> <p>beginning 5:18</p> <p>behalf 3:4 8:18 9:1 20:13</p> <p>belief 17:19</p> <p>believe 9:12</p> <p>best 12:5</p> <p>beyond 17:2,15</p> <p>bit 17:11 20:11</p> <p>Blueprint 21:6,7</p> <p>Boulevard 1:16</p> <p>BRESCO 12:21 13:3,3,8,21 14:12 16:4 19:4,21</p> <p>bring 16:8</p> <p>brings 16:6</p> <p>Brittany 2:11 20:13</p> <p>brought 16:8</p> <p>Brun 1:19 2:2 3:4,8 7:21 8:3 12:8 14:20 15:19 18:16 20:7 24:11</p> <p>Building 1:15</p> <p>burn 9:22</p> <p>business 18:14</p> <p>C</p> <p>C 3:1</p> <p>C.F.R 11:21</p> <p>call 4:16,18 5:4</p> <p>calling 14:11,16</p> <p>Campaign 12:11</p> <p>capable 21:1,21 22:5</p> <p>capricious 9:13 20:5</p> <p>carbon 6:21</p> <p>care 13:16</p> <p>Carol 25:3,15</p> <p>cause 13:14</p> <p>causes 13:15</p> <p>causing 13:16</p> <p>CBF 21:17,19 22:15 23:11,21 24:5</p> <p>CBF's 20:20</p> <p>CEMS 22:21</p> <p>certainly 18:4</p>	<p>CERTIFICATE 25:1</p> <p>certification 11:19</p> <p>certified 19:13,22</p> <p>certify 8:19 9:6,12 10:20 12:18 14:5 23:14,17 25:3</p> <p>certifying 20:17</p> <p>CFR 5:15</p> <p>change 12:13 23:15</p> <p>Chesapeake 2:4,5 2:11,12 12:12 20:13 21:4,5,8,14</p> <p>city 8:13,16 14:10 14:16 15:3,9,14,16 16:17 17:4 19:1 23:21</p> <p>city's 14:13</p> <p>clean 4:1 6:14,17,20 7:2,6 9:14 12:14 18:21 21:5 24:3</p> <p>clear 2:13 10:16 11:14</p> <p>clearly 5:1 10:11</p> <p>climate 2:4,5 12:12 12:13 13:9 18:13</p> <p>close 7:19</p> <p>closer 8:5,6</p> <p>collaborate 16:10</p> <p>colleagues 12:16 19:2,14,17</p> <p>combustor 20:22</p> <p>combustors 9:4,22 12:20 20:18 21:19 22:5,7 23:11,13,16 23:19 24:2</p> <p>commenced 3:3</p> <p>comment 3:20 6:12 7:18,21 12:9 14:21 15:20 18:17,19 20:20 22:3,3,11,18 24:6,7</p> <p>comments 5:2 7:13 7:17,19 8:17,22 9:5,11 10:8 12:5 18:2 20:8 24:12</p> <p>commitment 18:11</p>	<p>commitments 14:18</p> <p>communities 12:11 15:6,6</p> <p>community 2:7,10 15:1 19:7,17</p> <p>completely 17:8</p> <p>complied 11:18</p> <p>concerned 9:6 19:8</p> <p>concerning 1:7 13:1 14:3</p> <p>concerns 3:17 8:19 14:8 21:18 22:16 23:20</p> <p>conclude 24:15</p> <p>concluded 11:5,10 13:18 22:20 24:21</p> <p>conclusively 22:4</p> <p>conformance 5:16</p> <p>confront 16:2</p> <p>Congress 6:15</p> <p>Connecticut 9:19</p> <p>consider 7:12</p> <p>considered 10:18 11:15 17:21 20:19 22:13</p> <p>considering 10:4 17:7 21:2</p> <p>consists 3:21 7:4 21:8</p> <p>consultant 22:19</p> <p>consultants 21:21</p> <p>context 17:1,9,13</p> <p>continuance 20:5</p> <p>continue 18:6</p> <p>contrary 9:13 24:2</p> <p>contribute 21:13</p> <p>control 1:9 3:18 5:12 6:4 8:20 10:14,15,22 12:19 13:19,22 21:1 23:1 24:16</p> <p>controls 23:3</p> <p>copies 3:14 6:2,9</p> <p>costing 13:12</p> <p>council 14:10 15:14 17:4</p> <p>counsel 25:5,8</p>
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